

# **NATIONAL MANAGEMENT STRATEGY FOR MOTORIZED OFF-HIGHWAY VEHICLE USE ON PUBLIC LANDS**

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# ABBREVIATIONS

ANILCA	Alaska National Interest Lands Conservation Act
	ACEC area of critical environmental concern
ATV	all-terrain vehicle
BMP	best management practice
BLM	U.S. Department of the Interior, Bureau of Land Management
CFR	Code of Federal Regulations
EIS	environmental impact statement
E.O.	Executive Order
FLPMA	Federal Land Policy and Management Act of 1976
GAO	General Accounting Office
IMP	Interim Management Policy for Lands Under Wilderness Review
NEPA	National Environmental Policy Act of 1969, as amended
OHV	off-highway vehicle
ORV	off-road vehicle
RAC	Resource Advisory Council
RMP	resource management plan
SUV	sport utility vehicle
WSA	wilderness study area

# CONTENTS

INTRODUCTION .....	1
NEED FOR AND PURPOSE OF THE STRATEGY .....	1
BACKGROUND .....	2
LAND USE PLANNING AND REVIEW OF THE DESIGNATION PROCESS .....	3
SCOPE OF THE STRATEGY .....	4
THE STRATEGY .....	5
What it <i>Is</i> , What it <i>Is Not</i> .....	5
What It <i>Can do</i> and <i>Cannot do</i> .....	6
PUBLIC PARTICIPATION .....	6
PUBLIC COMMENTS REQUIRING CLARIFICATION .....	7
STRATEGY MANAGEMENT GOALS AND ACTION ITEMS .....	9
OVERVIEW .....	9
ISSUES .....	10
1.Coordination, Internal and External .....	10
2.Easements and Acquisitions .....	11
3.Education .....	11
4. Environmental Considerations .....	12
5.Fees and Funding .....	14
6.Inventory and Monitoring .....	15
7.Law Enforcement .....	16
8.Penalties and Fines .....	16
9.Program Management and Regulatory Guidance (43CFR8340) .....	17
10. Program Management and Regulatory Guidance (BLM Regulations and ANILCA) .....	17
11 Program Management and Regulatory Guidance (Personal Watercraft and Snowmobiles .....	18
12. Recreation Facilities .....	18
13. Road and Trail Design, Maintenance, and Restoration .....	18
14. Signs, Maps, and Other Public Information .....	19
15. Volunteers .....	20
16. Wilderness Study Areas (General and IMP) .....	20
17. Wilderness Study Areas (Monitoring, Observation, and Management) .....	21
GLOSSARY .....	23

## APPENDIXES

APPENDIX 1: EXCERPTS FROM E.O. 11644 (as amended by Executive Order 11989) .....	27
APPENDIX 2: EXCERPTS FROM THE CODE OF FEDERAL REGULATIONS TITLE 43 PART 8340 .....	33
APPENDIX 3: PUBLIC PARTICIPATION .....	39
APPENDIX 4: EXCERPTS FROM THE WILDERNESS STUDY AREA INTERIM MANAGEMENT POLICY .....	45

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# **NATIONAL MANAGEMENT STRATEGY FOR MOTORIZED OFF-HIGHWAY VEHICLE USE ON PUBLIC LANDS**

## **INTRODUCTION**

The Bureau of Land Management's National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands (Strategy) is a comprehensive effort to address a significant issue for natural resource management. This document is a first step in developing a pro-active approach to determine and implement better on-the-ground motorized off-highway vehicle management solutions designed to conserve soil, wildlife, water quality, native vegetation, air quality, heritage resources, and other resources, while providing for appropriate motorized recreational opportunities. It provides agency guidance and offers recommendations for future actions to improve motorized vehicle management.

Over the past several decades, the public has increasingly relied on public lands to provide motorized recreational opportunities. While allowing this acceptable use of BLM-administered lands, it is also the responsibility of the BLM to ensure that these lands are preserved and conserved for future generations. Balancing public use and enjoyment of the public lands along with protection of important resources requires BLM to have a more organized and effective program for the management of roads and trails, and the activities that occur on them. The implementation of this strategy will be an on-going, adaptive process that will require the continued cooperation and participation of interested publics. As a guiding document, the strategy will be refined and implemented as opportunities arise and funding allows. The strategy will help ensure consistent and positive management of environmentally responsible motorized off-highway vehicle (OHV) use on public lands.

to meet the management challenges posed by motorized OHV use in the fast-growing West.

## **NEED FOR AND PURPOSE OF THE STRATEGY**

Motorized off-highway vehicle use on public lands administered by the Bureau of Land Management (BLM) has increased substantially in recent years. Many factors have contributed to the growing popularity of motorized off-highway recreational activities and the resulting impacts to public land resources. Some of these factors are:

- greater public interest in unconfined, outdoor recreational opportunities; rising disposable income, fostered by a healthy domestic economy, for use on recreational pursuits;
- advances in vehicle technology that enable motorized OHV users to reach previously inaccessible areas;
- the rapid growth of the West's cities and suburbs, whose expansion and population growth has brought Westerners closer to once-remote public lands, and;
- a population with an increasing median age with changing outdoor recreational interests.

The BLM has become increasingly concerned about the impact of all types of recreational activities, including motorized OHV use, on the 264 million acres of public land resources for which it provides stewardship. Discussions with other federal agencies, state agencies, county governments, the general public, and BLM staff have identified motorized OHV use as a national management issue. The BLM Director has noted that because of the advances in OHV technology and an increase in their popularity, some of the BLM's land use plans need updating and budgets and staffing levels need to be increased.

The purpose of this Strategy is to help the BLM field managers implement on-the-ground solutions

to motorized OHV recreation and access issues, protect public land resources, and make more effective use of existing staff and funding, and pursue additional resources to successfully accomplish this strategy.

This Strategy addresses proposals from the general public expressed during “Listening Meetings” and in written and electronic comments received during the development of this Strategy including suggestions from other federal agencies, state and local governments, the BLM’s Resource Advisory Councils (RACs), nongovernmental organizations, and BLM specialists. It also offers guidance and recommends numerous actions aimed at creating a local framework for reviewing and resolving motorized OHV-related issues.

These issues include:

- current motorized off-road vehicle (motorized OHV in this document) designations;
- regulations;
- resource issues;
- management of special areas and resources;
- monitoring;
- education;
- law enforcement, and
- budget.

This Strategy also identifies critical funding and staffing needs throughout the agency, to adequately address motorized OHV management. The public identified the need for increases in law enforcement capability, educational programs, signing and mapping, inventory and monitoring, maintenance and construction, and development of partnerships and volunteer programs. All these actions will require significant increases in appropriated funds. This strategy outlines what resources are needed to fully implement a comprehensive OHV management program. It also emphasizes the need for the BLM to identify OHV management as a budget priority.

activity on BLM-administered public lands. At the same time, this motorized OHV activity and its related impacts are now the subject of considerable public scrutiny and discussion. The BLM manages OHV use under FLPMA and

This Strategy recognizes, as does the policy outlined in BLM Manual 8340 (May 25, 1982), that off-road vehicle use is an “acceptable use of public land wherever it is compatible with established resource management objectives.” As established by the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM is required to manage the public lands on the basis of multiple use and sustained yield, while protecting natural values. The BLM believes that implementing actions in this Strategy will help promote balance between these sometimes competing principles.

In developing this Strategy, the BLM has drawn on the thousands of comments and suggestions it received during the public comment period. These comments will continue to help the BLM in finding solutions to motorized OHV management issues. It should be noted that in soliciting public input, the BLM expressed a desire to compile a “toolbox” of motorized OHV management success stories and techniques. The BLM has made completion of the “toolbox,” in this document called the “Motorized OHV Management Field Guide,” an action item for implementing this Strategy.

## BACKGROUND

On January 10, 2000, the Bureau of Land Management announced its plans to develop a national strategy for ensuring environmentally responsible off-highway vehicle (motorized OHV) use on BLM-administered public lands. The BLM committed to working in partnership with the general public, user groups, and other interested parties in developing a strategy aimed at resolving issues prompted by the growing popularity of motorized OHV use on public lands. This popularity is evidenced by the fact that recreational enthusiasts are buying motorized OHVs at a rate of 1,500 units per day nationwide, with nearly one-third of them doing so as first-time buyers of such vehicles. Motorized OHV use is now firmly established as a major recreational

under Executive Order 11644 (as amended by Executive Order 11989), which the President issued in 1972, when there were an estimated 5 million OHVs (See Appendix 1, “Excerpts from Executive Order 11644....”). Since then, OHV use

on public lands has risen dramatically, prompting concern over the nature and scale of impacts from all types of OHV recreational activities.

For many years the term “off-highway vehicle” (OHV) has been used by the public, industry, and the BLM interchangeably with the term “off-road vehicle” (ORV). However, only the term off-road vehicle has a legally established definition in the Presidential Executive Orders and the BLM’s related 43 CFR 8340 regulations. (See Appendix 2, “Excerpts from the Code of Federal Regulations....”) In general, throughout this document we will refer to motorized OHV, except when discussing issues related to policy, regulation, or land use planning. The BLM elected to use “off-highway,” partly because it is a more popular term, but primarily because the regulations address vehicles which use roads and trails on BLM-administered land, and are therefore, not just “off-road.”

## LAND USE PLANNING AND REVIEW OF THE DESIGNATION PROCESS

Off-highway vehicle designations are determined through a comprehensive land-use planning process which serves as an adaptive and flexible approach to the management of all activities on the public lands. As circumstances and conditions have changed over the past several decades, BLM has made a concerted effort to focus the agency’s resources in the development of land-use plans by seeking additional funding and staff to address issues associated with the increased population growth near the public lands. Off-highway vehicle designations are a major component of all future planning efforts.

In 1972, the President issued Executive Order No. 11644, requiring each federal agency to designate “areas and trails” for off-road vehicle use or restriction and to develop regulations implementing this Executive Order (E.O.). The BLM’s regulations (43 CFR 8340) established management areas as either “open,” “limited,” or “closed” to off-road vehicle use. (The Executive

Order and regulations refer to ORVs rather than off-highway vehicles, so the term ORV will be used in this section of the Strategy.) Proper ORV management provides for the public’s recreational needs, protects resources, ensures the safety of the public, and minimizes conflicts among the various public land uses. The BLM’s ORV designations are:

**Open:** *The BLM designates areas as “open” for intensive ORV use where there are no compelling resource protection needs, user conflicts, or public safety issues to warrant limiting cross-country travel.*

**Limited:** *The agency designates areas as “limited” where it must restrict ORV use in order to meet specific resource management objectives. These limitations may include: restricting the number or types of vehicles; limiting the time or season of use; permitted or licensed use only; limiting use to existing roads and trails; and limiting use to designated roads and trails. The BLM may place other limitations, as necessary, to protect resources, particularly in areas that motorized OHV enthusiasts use intensely or where they participate in competitive events.*

**Closed:** *The BLM designates areas as “closed” if closure to all vehicular use is necessary to protect resources, ensure visitor safety, or reduce use conflicts.*

These designations are incorporated in the BLM's 8340 Manual (issued May 25, 1982) which provides land managers with general guidance in managing ORVs on public lands. The manual also guides managers in issuing emergency limitations, interim designations, or closures. Land managers are required to take action where they have determined ORV use is causing, or may cause, considerable adverse effects on resources. Emergency limitations or closures are not ORV designations, but remain in effect until the adverse effects are eliminated, measures are in place to prevent their recurrence, or revised ORV designations are adopted.

The BLM completes ORV designations as part of its land-use planning process. In developing land-use plans the BLM takes the following actions relating to ORV use on public lands.

- 1- Defines the nature and extent of problems or opportunities relating to ORV use.
  - Develops planning criteria that deal with resource protection, user needs, public safety, and user conflict resolution.
  - Compiles data needed to determine requirements for resource protection, user needs, public safety, and user conflict resolution.
  - Collects new road and trail network data if existing baseline data are insufficient to resolve significant ORV issues.
  - Analyzes the capability of public land resources to sustain ORV use.
  - Develops proposed ORV designations and includes various alternatives in the draft environmental impact statement (EIS) and draft resource management plan (RMP).
  - Addresses ORV designations, use, and subsequent impacts as part of the draft EIS and draft RMP.

4. Identify staffing and resource needs at

- Decides on the resource allocation for ORV use that best meets the purpose and need for the RMP and best resolves the planning issues through completion of the final EIS and RMP.
- Applies legal requirements of laws such as FLPMA, National Environmental Policy Act of 1969 (NEPA), R.S. 2477 rights-of-way, valid existing rights, the Alaska National Interest Lands Conservation Act, the Threatened and Endangered Species Act, and the Wilderness Act.

To implement ORV land-use plan decisions, the BLM prepares maps of the designations for public use; appropriately signs roads, trails, and limited-use areas; and informs the public through publications in the *Federal Register* and local media.

## SCOPE OF THE STRATEGY

This Strategy is designed to help the BLM field managers implement on-the-ground solutions to motorized OHV issues, protect public land resources, and make more effective use of existing staff and funding. It will also identify the additional funding and staffing needed to improve overall motorized OHV management.

This Strategy is designed to accomplish five primary things:

1. Protect public land resources, promote safety for all public land users, and minimize conflicts among the various uses of the public lands.
2. Prescribe actions that can be taken at the national level to identify, review, and clarify policy, and if needed, to work toward revising regulations.
3. Provide guidance to the BLM state and field offices regarding existing regulatory authorities and requirements.

the BLM's state and local levels in



order to improve overall motorized OHV management.

5. Use the experiences of the BLM staff and the public's concerns, comments, and willingness to participate in management activities expressed during the development of this National Motorized OHV Management Strategy.

Since the BLM started managing motorized OHV activities, new technology and recreational equipment specifically designed for motorized OHV use have been introduced. In addition to cars, trucks, dune buggies, jeeps, and motorcycles, the motorized OHV category includes sport utility vehicles (SUVs), all-terrain vehicles (ATVs), snowmobiles, personal watercraft, ultralights, motorized bicycles, and other emerging technologies.

Approximately 60 percent of the comments received on the draft Strategy reflected the assumption that nonmotorized activities, such as mountain biking, were going to be included in the same category as motorized vehicles. However, due to the complexity of the issues and upon full consideration and further review, BLM has determined to pursue a separate strategy for the management of nonmotorized transportation, which includes mechanized and human-powered activities. A separate discussion on this issue has been added to the section "Public Comments Requiring Clarification."

## THE STRATEGY

Because the public requested actions that are outside the scope of this Strategy, the following is a summary of what the Strategy *is* and *is not*, and what it *can* and *cannot* do.

### What it *Is*, What it *Is Not*

This Strategy *is*:

- an effort to manage motorized OHV activities in full compliance with Executive Orders 11644 (1972) and 11989 (1978), 43 CFR 8340,

### What It *Can* do and *Cannot* do

If fully implemented, this Strategy *can*:

policy, and manual guidance which direct the BLM's management of motorized OHVs;

- a "catch up" initiative aimed at meeting the challenges of the fast-growing West, where many new motorized OHV users, with new equipment designed for motorized use, are seeking access to the public lands;
- an approach that reflects extensive public input, offers flexibility (meaning it can, and will, change over time as resource issues emerge and user conflicts arise), and seeks to promote local solutions to local problems; and
- an effort to enhance the management and protection of all public lands administered by the BLM that are part of specially designated areas (that is, designated wilderness, national areas of critical environmental concern (ACECs), monuments, national conservation areas, and wild and scenic rivers), and within temporary protective designations, such as wilderness study areas.

This Strategy *is not*:

- a new set of regulations (although the Strategy *does* call for a review of existing regulation in 43 CFR 8340);
- a national motorized OHV designation (this Strategy—while recommending additional protection for specially designated areas and WSAs—does not impose any "top down" or "one-size-fits-all" designations);
- an initiative that closes any roads or authorizes the construction of any roads (these decisions will continue to be made locally within the BLM's land-use planning process);
- a forum for discussing the appropriateness of designating or not designating National Monuments, National Conservation Areas, and Wilderness Areas (inasmuch as these designations fall strictly within the purview of the President and Congress).
- promote consistency of motorized OHV decision making and management within the BLM by clarifying guidance and promoting understanding of motorized OHV management

goals;

- highlight the additional funding and staffing needed by the BLM to manage motorized OHV use effectively;
- lead to updating existing off-road regulations and policy guidance while raising public awareness about the complexities of implementing and enforcing motorized OHV designations;
- clarify the BLM land manager's legal authorities for managing motorized OHV uses;
- reduce conflicts among user groups;
- promote responsible motorized OHV use and reduce habitat degradation and potential impacts to wildlife; and
- provide an opportunity for long-term involvement of the public in motorized OHV management on public lands.

However, this Strategy ***cannot***:

directly revise existing regulations (which can occur only in the formal rulemaking process, with full public participation);

- change any legislation or Executive Order;
- provide the additional funds and staffing needed for effective motorized OHV management; or
- increase any fines or penalties for violations of motorized OHV rules and regulations.

## PUBLIC PARTICIPATION

The BLM recognized the importance of effective communication among all parties to develop any

to modify the Strategy to meet the particular needs of the various off-highway communities. There were many recommendations and suggestions that served as the basis for clarifying and improving goals and action items in this Strategy. These included goals for better road and trail

workable solution or strategy. On June 1, 2000, the Bureau of Land Management initiated a major outreach effort to solicit public comments on how best to develop a National Off-Highway Vehicle Management Strategy. The public was invited to provide recommendations and solutions to enable the BLM to better manage motorized OHV activities. A multimedia approach using public meetings the internet, electronic mail, brochures, and mailers was used to encourage widespread public participation in the process. The goal was to ensure the active participation of the public and, based on the public comment, to draft clear and concise guidance for the BLM offices in the day-to-day management of motorized OHV activities.

To facilitate the process, a mailer was developed which outlined four areas and provided examples of currently recognized issues associated with the motorized OHV program. These areas included (1) land use concerns, (2) resource concerns, (3) management tools, and (4) legal considerations. In addition, the public was invited to participate in locally held discussions at 49 "Listening Meetings." In response to this outreach program, the BLM received almost 5,000 comments. All the comments were categorized and served as the basis for developing the Draft National Management Strategy for Motorized OHV Use on Public Lands.

On December 3, 2000, the public was provided copies of the draft Strategy via the internet, and printed copies were sent to all members of the public on the mailing list from the first public outreach effort. The public was invited to provide recommendations, suggestions and comments on the draft Strategy. The response from the public was overwhelming. Over 14,000 comment letters were received on the draft Strategy, either electronically or by mail. Overall, the comments were supportive of many of the Strategy's goals, yet provided comments on how

design, maintenance, signing, maps, and a consistent policy for access for individuals with special needs. Please refer to Appendix 3, Public Participation.

## **PUBLIC COMMENTS REQUIRING CLARIFICATION**

The BLM received many comments and recommendations that require clarification. Some public comments suggested that the BLM impose identical motorized OHV restrictions on all BLM-administered lands and waters. Other suggestions used terms or called for requirements that are inconsistent with federal law and BLM regulations, policies, and procedures. Below are key items requiring clarification.

### **Public Suggestion: Nonmotorized use should not be included in this Strategy.**

The BLM recognizes the use of bicycles and other human-powered, mechanized conveyances as appropriate recreational activities. The agency also realizes that there are substantial differences in the type of use, associated impacts, and management approaches between nonmotorized and motorized vehicle activities.

Critical to any successful strategy is full public participation in the process. Over the years, BLM has a long, productive relationship and partnership with the mountain bike community and has taken a leadership role in the management of mountain bike use on public lands. In 1992, the BLM coordinated closely with the International Mountain Bicycle Association to jointly develop one of the first partnerships and national strategies involving mountain bikes. Today, the BLM acknowledges that reviewing and updating the mountain bike strategy and guidance is a necessity.

The BLM initially incorporated nonmotorized (mechanized/human-powered) vehicles in the draft Strategy, since management of nonmotorized and motorized vehicle activities on the public lands share many of the same solutions. Many of the recommended on-the-ground and administrative actions for OHV management contained in the draft Strategy could equally and effectively be applied to mountain biking and other trail and road activities. These include improved planning for trails, regional and local solutions, clarified use designations, potential for partnerships with interest groups, need for improved signing, maps

and education programs, and potential for outside funding sources. However, based on an analysis of the issues and concerns, and the specific and unique difference between the activities, BLM has determined that mountain bike and other nonmotorized vehicle management warrant their own strategy and management guidance.

Currently, mountain bikes are not specifically referenced in the 43 CFR 8340. This omission of mountain bikes and other nonmotorized vehicles from this regulation results in confusion about enforcement authority and can lead to inconsistent management decisions. Regulations for nonmotorized, mechanized/ human-powered activity need to be developed to adequately address advances in technology and eliminate regulatory loopholes and discrepancies.

Based on the comments from the initial outreach effort and on the draft Strategy, several key elements need to be considered in developing a strategy for nonmotorized vehicles. The BLM should:

1. develop a comprehensive national strategy for nonmotorized vehicle use on public lands; and
2. consider entering into a rulemaking process for the management of nonmotorized/mechanized/ human-powered vehicles.

**Public Suggestion: Close all Wilderness Study Areas (WSAs) and “roadless” areas to OHV use.**

The BLM used “roadless” as a criterion during its wilderness inventory process in accordance with FLPMA. As part of this process, BLM designated some roadless land (exceeding 5,000 acres) as wilderness study areas.

However, the BLM carries out no “roadless area” management apart from designated WSAs. Therefore, the BLM does not use the term “roadless area” as a land use classification or as a specific designation and cannot implement this suggestion as an across-the-board designation.

Where limits on motorized OHV use are needed to protect public lands, the BLM can take action under existing land-use planning or the motorized OHV designation process to limit or restrict motorized OHV use. These decisions can be:

- site-specific**—limiting use to specific ways;
- seasonal**—limiting use to certain times of the year; or
- other**—by type of vehicle, number of participants or other particulars.

To protect areas where resources are at risk, the BLM can designate areas or roads, trails or ways as closed to motorized OHV use.

**Public Suggestion: Open all designated Wilderness Areas, National Monuments, and Wilderness Study Areas to OHV use.**

This suggestion is contrary to federal laws, presidential proclamations, and executive orders. The Wilderness Act of 1964 prohibits the use of motorized and mechanized vehicles in designated wilderness areas, subject to valid existing rights. National Monument proclamations or legislation may direct specific types of motorized OHV use or designations.

The BLM must comply with this direction and modify its relevant land use plans accordingly. The Federal Land Policy and Management Act of

1976 requires the BLM to manage WSAs in a manner that protects their wilderness characteristics until Congress either designates these WSAs as permanent wilderness or releases them for nonwilderness uses. This WSA protection requirement is reflected in the BLM’s Interim Management Policy (IMP) for Land Under Wilderness Review. (See Appendix 4, “Excerpts from the BLM’s Interim Management Policy for Lands Under Wilderness Review.”)

**Public Suggestion: Close all BLM lands, including roads, to OHV use unless posted as open to use.**

Although the EO gives the BLM authority to establish policies to control and direct the use of off-road vehicles on the public lands, subsequent planning regulations require BLM to establish designations through the land-use planning process. As noted in the “Review of Off-Road (Off-Highway) Designation Process” section, the BLM must designate public lands as “open,” “limited,” or “closed” to OHV use. This strategy does not meet the legal requirements to create a default national designation to “open unless...” or “closed unless....” The BLM manages more than half of all public lands under a limited or closed designation. Under its land use planning process, which includes public participation, the BLM has designated most of the remaining lands as open. To impose a nationwide closure of all lands would be a rejection of the past public involvement in the existing designations. Moreover, such an action would be contrary to the BLM’s intention and the public’s request for locally developed motorized OHV management plans and solutions. In light of current motorized OHV use and resulting resource conditions, the BLM realizes that it must reevaluate its land use plans. To begin to address this need, the BLM requested and received a \$19 million increase in fiscal year (FY) 2001 for land use planning and plan revisions, much of which relates directly to motorized OHV issues and concerns.

**Public Suggestion: *Open all BLM lands, including roads, to OHV use unless posted as *closed* to use.***

As noted above, this Strategy does not meet the legal requirements for implementing this suggestion. Opening all lands to unrestricted motorized OHV use would negate the public involvement in the current limited and closed designations which exist on more than half of the BLM-administered public lands. Opening all these public lands to motorized OHV use without adequate planning and environmental review is contrary to law and would subject them to potentially serious resource damage.

**Public Suggestion: The BLM should establish a registration, licensing, or new identification permit system for OHV riders or vehicles.**

Such a system would constitute a significant departure from existing federal policy, which defers such regulatory matters to state and local agencies.

There are actually three distinct items involved in this suggestion: permits, licenses, and registration.

**Permits**, which fall within the BLM's existing authority, are authorizations to use the public lands in a certain manner. In certain situations, the BLM does issue permits to individuals and organizations, who must generally pay a fee.

**Licenses** are instruments issued to individuals that grant them the privilege of operating certain motor vehicles. To obtain a license, an individual ordinarily must take and pass a knowledge test and skills proficiency examination; the license applicant must also meet certain age requirements and physical standards, such as adequate eyesight. Issuing drivers' licenses is generally performed by state governments.

**Registration** is a means for collecting

information about specific vehicles for purposes of revenue collection, theft prevention, and law enforcement. The registration of motor vehicles is also a state government function.

## **STRATEGY MANAGEMENT GOALS AND ACTION ITEMS**

### **OVERVIEW**

The BLM launched this Strategy in response to growing concerns that motorized OHV access, while an acceptable use of public lands important for many human needs, it may also be causing or perceived to be causing unacceptable resource impacts and conflicts with other public land users. The public has demonstrated its interest in motorized OHV management on public lands by their participation in the public meetings, and the large number of comments that the BLM has received. For the Strategy, BLM requested ideas and proposed solutions for improving motorized OHV management. In reviewing the comments, a number of suggestions were incorporated into this Strategy, and others that will be further refined into other guidance, including an "Motorized OHV Management Field Guide." The management goals and actions that will be presented in this Strategy are recommended responses to the issues raised by the public, and to a large extent, incorporate the public comments. These recommendations depend on three factors to become a reality:

**The first factor** is funding. Scores of comments were received suggesting innovative funding sources, and offering volunteer help and services for motorized OHV management. These suggestions have been incorporated into this Strategy with BLM's commitment to implementing them on the ground. No amount of public or volunteer effort, however, can alleviate the need for a well-trained staff and infrastructure required to effectively manage a

program that involves a large land area with important needs. Without consistent, adequate funding, the BLM will be unable to accomplish most of the recommended actions.

**The second factor** is that successful implementation of this Strategy depends on continued participation by the public. The BLM is encouraged by the willingness of so many people to be involved in this effort, both as commenters and as volunteers to help with implementation efforts in the future. The success of this Strategy depends greatly on that continued level of support.

**The third factor** is the recognition that most of the implementation actions must be accomplished at the local level. The Washington office will provide guidance and coordination, and will act as a facilitator to allow the BLM's state and field offices to work with the local communities to accomplish many of the needed actions in this Strategy.

## ISSUES

The issues are not listed in any specific order. The **action items highlighted in bold text** are the actions the BLM feels critical to the success of this Strategy and will be implemented as soon as practical.

### 1. Coordination, Internal and External

Proper OHV management relies on good coordination and communication throughout the agency and with the general public, OHV interest groups and organizations, environmental organizations, state, local, and tribal governments, and other stakeholders.

**Management Goal I:** *A Motorized OHV Management Field Guide (toolbox).*

**Action:** Compile and publish a “Motorized OHV Management Field Guide” (Field Guide), as a communications tool,

**incorporating successful approaches from field offices, the public comments, recommendations, and suggestions of techniques, and practices for the management of motorized OHV activities on BLM-administered public lands.**

**Management Goal II:** *Improved national-level coordination with other land management agencies and interest groups.*

**Action 1:** Establish a national interagency coordinating group to improve consistency among agencies managing motorized OHV activities.

**Action 2:** Encourage BLM state and field offices to form similar state and(or) local coordinating groups.

**Management Goal III:** *Form a “Motorized OHV Strategy Action Team” within the BLM to improve management and to incorporate this Strategy into a continuous process capable of responding to changing conditions.*

**Action 1:** State directors will identify a state/regional OHV coordinator at the appropriate organizational level. The OHV coordinator position should be a full-time assignment rather than collateral duty, unless motorized OHV use is minimal in a particular state/region. The OHV coordinator will be responsible for OHV activities within the state or states and will serve on the National Motorized OHV Strategy Action Team.

**Action 2:** The National Motorized OHV Strategy Action Team will work with the national OHV coordinator to implement action items in this Strategy and periodically provide progress reports to the public.

**Action 3:** The state/regional OHV coordinator will work with field offices to identify additional interdisciplinary staffing needs, position responsibilities, and

budget needs for successful motorized OHV management.

**Action 4:** The state/regional OHV coordinator and field offices should use their resource advisory councils in the development of OHV management activities and plans.

## 2. Easements and Acquisitions

Much of the BLM-administered public lands are intermingled with private, state-owned, and federally-owned lands. An estimated 10 to 20 percent of the BLM's existing roads and trails have no legal access, as many private routes provide the only means of reaching certain public lands. While private landowners may currently allow public access, owners could close this access at any time. Although land acquisitions and disposals may seem to be the solution to motorized OHV access issues, such land transactions usually take place on the basis of broad resource management objectives established through land-use planning, not on motorized OHV issues alone.

**Management Goal:** *Improved legal access to public land, where appropriate and necessary.*

**Action 1:** Field offices will identify access needs and request funding for motorized OHV-related access, exchanges, and acquisitions through existing inventory and land use planning.

**Action 2:** The motorized OHV needs identified in Action 1 will be incorporated into the existing agency ranking system for use in funding the backlog of acquisition needs.

**Action 3:** Consult with state and local governments and the general public prior to initiating easement acquisitions.

## 3. Education

Public comments focused on the need to create or strengthen a responsible-use ethic among public land users. The BLM has worked for many years with other agencies, user groups, environmental groups, schools, manufacturers, retailers, and private partners to promote such an ethic.

of off-highway vehicles. Accomplish this in conjunction with other federal agencies and Tread Lightly! Inc.

However, it is clear from the public's comments and BLM staff observations, that the BLM must do more to foster responsible public land use.

The public also feels that the BLM staff's understanding of motorized OHV activities, issues, and program management could be improved. It was suggested that the BLM provide staff training on the motorized OHV designation process, the current laws and regulations, and the best management practices related to motorized OHV use.

**Management Goal I:** *An improved public outreach program for motorized OHV visitors to instill and strengthen a more effective responsible-use ethic.*

**Action 1:** Develop an information network to foster the proper use of public lands, particularly directed to new motorized OHV enthusiasts and youth groups. Use BLM staff and volunteers to develop and conduct the training and to increase the variety of techniques and locations where training opportunities can occur.

**Action 2:** Expand the BLM's relationship with national ethics development organizations, such as Tread Lightly! Inc. and Leave No Trace, and with other partners to explore the development of a training curriculum. Instructors will need to be recruited and trained.

**Action 3:** Information about regulations, penalties, consequences for irresponsible behavior, and potential impacts to resources from inappropriate use and the subsequent loss of use areas should be incorporated into training and outreach programs.

**Action 4:** Training and outreach programs will incorporate information about statutory and regulatory restrictions for motorized use in special management areas such as designated wilderness, national monuments, national conservation areas and wild and scenic rivers.

**Action 5:** Expand current efforts to work with manufacturers to promote responsible use

**Management Goal II:** *A comprehensive OHV education and training curriculum for training*

*BLM field managers and specialists and for volunteers.*

**Action 1:** Identify training needs, available training courses, and develop new training, if needed, in cooperation with other stakeholders in motorized OHV recreation.

**Action 2:** The national OHV coordinator, in coordination with the National Training Center, will identify existing training courses and send out a training needs assessment questionnaire to office staffs. Develop new courses for training office staffs, based on the needs assessment findings.

**Action 3:** Incorporate the principles of "Tread Lightly! Inc." and "Leave No Trace" as formal guidance for all activities in the agency. These principles will be used in day-to-day activities and decision making.

**Action 4:** Develop a "Motorized OHV Management for Managers" course.

**Action 5:** Incorporate the motorized OHV designation process as an element of the land use planning training.

**Action 6:** Develop training courses specific to the process required for completing and implementing motorized OHV designations.

**Management Goal III:** *Fully integrate interpretation into motorized OHV Management to improve the understanding of public land resources and the relationship of these resources to human needs.*

**Action 1:** Develop interpretive training related to appropriate OHV use, for visitor contact staff (Park Rangers, Law Enforcement Rangers, other BLM staff) and volunteers.

**Action 2:** Work with interpreters around the BLM to develop examples of themes and messages that relate public land resources to the activities of motorized OHV users.

**Action 3:** Develop interpretive outreach for motorized OHV users such as audio tapes, brochures, and wayside exhibits.

**Action 4:** Work with cooperating associations and community groups to better distribute

**Action 4:** Integrate motorized OHV management into BLM assessment and restoration efforts such as watershed analysis, riparian restoration, habitat management, emergency fire rehabilitation

interpretive materials to motorized OHV users.

## 4. Environmental Considerations

The public expressed concern about motorized OHV impacts and the BLM's assessment of those impacts (including cumulative impacts) under the National Environmental Policy Act (NEPA) process. The BLM will conduct sound environmental analysis in compliance with all applicable executive orders and statutes such as the Federal Land Policy and Management Act, the Endangered Species Act, the Clean Water Act, the Clean Air Act, and the National Historic Preservation Act. Emphasis will be placed on identifying, monitoring, and mitigating motorized OHV-related impacts, and taking swift actions to solve immediate problems.

**Management Goal I:** *Thorough analysis of motorized OHV issues and concerns throughout the land-use planning process.*

**Action 1:** Use interdisciplinary teams and public participation to ensure the effects of OHV use on natural resources are analyzed during the land-use planning process.

**Action 2:** Pursue interagency coordination or develop multi-jurisdictional plans to ensure consistency across agency boundaries.

**Action 3:** Where motorized OHV use "will cause or is causing considerable adverse effects,..." the BLM will "immediately close such areas or trails to the type of [OHV use] causing such effects until such time as it determines such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence." (EO 11989, 1977). When implementing emergency closures use 43 CFR 8341.2. Using the land use planning process, evaluate potential mitigation and(or) the need for short-term or long-term closures.

plans, and other resource management activities.

**Action 5:** Conduct an appropriate level of NEPA analysis that fully addresses motorized OHV issues and concerns,



including social and economic impacts, in compliance with all applicable laws.

**Action 6:** Use the best available science in making land management decisions.

**Management Goal II:** *Full compliance with the Endangered Species Act and BLM policy for proposed or listed threatened or endangered species and "Special Status Species" relative to OHV activities on public lands.*

**Action 1:** The National OHV coordinator will work with the State Directors to develop a plan of action to identify areas within each state where the cumulative effects of OHV use have resulted in, or are reasonably expected to result in, more than negligible disturbance to proposed or listed threatened or endangered species and "Special Status Species" and their proposed or designated critical habitat. This should be done in conjunction with ongoing planning or new NEPA activities.

**Action 2:** For those areas identified under Action 1, State Directors will use the emergency closure procedures found in 43 CFR 8341.2 until such time as long-term designations are completed, through the land use planning process.

**Management Goal III:** *Ensure that motorized OHV designations are completed according to the land use planning guidelines.*

**Action 1:** For those lands identified where motorize OHV use "will cause or is causing considerable adverse effects, ..." and where vehicle use designations have not been completed or the current designations are out-of-date because of use changes and(or) resource impacts, and a new planning start or revision is not scheduled to begin by the end of FY2003, an interim motorized OHV

quality, to reduce the spread of noxious weeds, or to protect cultural resources) will be shared with field offices and partners.

**Management Goal V:** *Effective implementation of air quality and noise reduction standards as*

**designation through a land-use plan amendment may be completed and implemented until such time as long-term designations are completed. These interim designations must, at a minimum, establish designations that are sufficient to initiate vehicle management in areas where limited-use restrictions (such as limited to existing or designated roads and[or] trails) are warranted and(or) identify areas that should be immediately designated as closed to all types of vehicle use.**

**Action 2:** For those where interim designations are implemented and vehicle use is limited to existing or designated roads and(or) trails, as opposed to seasonal or other types of administrative limitations, a plan amendment to designate specific roads and trails on which vehicle use is allowed must be initiated within five years of completion of the interim designation.

**Management Goal IV:** *Scientific and social research projects that assess the current range of available motorized OHV-related scientific information.*

**Action 1:** The BLM will take a leadership role in developing new management techniques, work with other federal agencies and partners through the Strategy Action Team to identify available research on motorized OHV management, and to support and encourage additional research as needed.

**Action 2:** The BLM will sponsor periodic workshops at the national and state levels, to encourage the production and sharing of motorized OHV-related research.

**Action 3:** New information and data that relates to motorized OHV management or impacts (such as state and national programs to manage water quality or air

*related to OHV activities on public lands.*

**Action 1:** Work with other agencies and partners to encourage development and production of new and aftermarket motorized OHV equipment to reduce noise and emission levels.

**Action 2:** The BLM will support the development and application of practical noise-measuring techniques and standards and will encourage and participate in noise-level testing on public lands. The BLM will work cooperatively with states that have instituted laws governing legal noise thresholds.

## 5. Fees and Funding

The BLM's motorized OHV-related funding and staffing have not kept pace with rising recreational use and the Bureau's need to improve motorized OHV management. The BLM must make better use of existing sources of funding for such management. It also needs new sources of funding, including revenue from user fees, outside funding, and grants to manage motorized OHV use effectively. The public offered a number of recommendations for improving management through the use of outside funds.

**Management Goal I:** *Adequate appropriated funding to manage off-highway vehicle use on public lands based on clearly identified actual costs and future needs for effective motorized OHV management, including planning, education, resource protection, and enforcement.*

**Action 1:** The BLM will survey field offices and use existing databases to determine unfunded needs for motorized OHV management and report findings. These unfunded needs would include staffing and operations costs, support services, administrative personnel, multi-disciplinary staffs, engineering and maintenance, as well as increased field staff such as technicians, visitor services, and law enforcement rangers.

**Action 2:** The BLM will emphasize multiple program/subactivity funding needs for implementation of this Strategy in its annual budget submissions to Congress.

**Management Goal II:** *Capability to acquire outside funding and generate user revenue.*

**Action 1:** Identify all potential outside funding sources and share them throughout the system. (The "Field Guide" will contain a list

of sources, both public and private.)

**Action 2:** As non-BLM funding sources are identified, determine those which require federal cost-share support and identify projects for funding. Seek to minimize the administrative surcharge associated with cost-sharing partnerships.

**Action 3:** Using existing recreation challenge cost-share authority, the BLM will create a motorized OHV challenge cost-share program to leverage outside partnerships and funding.

**Action 4:** Assist BLM field offices in the application for and administration of State OHV grant-funded programs.

**Action 5:** Encourage and cooperate with States which may be considering the development of state OHV grant-funded programs such as the California Green Sticker and the State of Idaho gas tax.

**Action 6:** Assist BLM field offices in partnering with motorized OHV user groups in applying for grants, taking advantage of any opportunities to obtain matching grants. Highlight offices that have successfully done this and identify experts in writing such grant applications.

**Action 7:** Form new or expand existing partnerships with recreation equipment manufacturers and dealers to obtain additional funds for on-the-ground motorized OHV management, education, and interpretation. Encourage manufacturers to donate equipment and money for restoration, signing, and the publication of motorized OHV materials, such as maps, brochures, and outdoor ethic education materials.

**Action 8:** Encourage States to establish personal rescue insurance programs, like that in Colorado, and encourage motorized OHV users to participate in these programs (personal rescue insurance pools reimburse agencies for search-and-rescue costs). The cost of search and rescue and accident response diverts critical funds and personnel from other responsibilities.

**Action 9:** Compile a list of successful motorized OHV-related fee projects and lessons learned, and include it in the Field Guide.

**Action 10:** BLM will identify existing cooperating nonprofit associations that work with motorized OHV recreation and include this information in the Field Guide.

**Action 11:** Work with communities to establish and fund management of areas for motorized OHV activities that require intensive management.

## 6. Inventory and Monitoring

Successful resource management depends on gathering quality data using the best science available. The BLM defines its land management responsibilities through a process that begins with land management planning and continues with on-the-ground management. Effective planning and on-the-ground management are limited by the quality of relevant inventory and monitoring data.

Inventory data present a “snapshot” of the status of resources. Monitoring is the critical factor in determining cumulative impacts to resources. Areas must be monitored for impacts to the resources in addition to the quantity and type of uses which are occurring. Analysis and evaluation of monitoring data provides an indication of both change in use and the effects of that use on the environment. The BLM needs to dedicate sufficient resources to baseline inventory data acquisition and follow-up monitoring to be truly successful resource stewards.

**Management Goal I:** *Availability of good information that allows the BLM to make sound resource decisions while providing for recreational opportunities.*

**Action 1:** Determine information needs related to motorized OHV activity and coordinate local and national efforts to improve the overall baseline inventory.

## 7. Law Enforcement

Law enforcement needs to be a more visible and effective tool for motorized OHV management. The public strongly supported an increased law enforcement presence as an important component in the motorized OHV management program. Improvements in user education, WSA monitoring

**Action 2:** Assess and evaluate data collection technologies.

**Action 3:** Identify and share successful techniques for data collection, including case studies of innovative projects. (For example, aerial or satellite photography or the use of contractors or volunteers for data collection and GIS applications.)

**Action 4:** Coordinate inventory and monitoring activities with other ongoing program activities (such as prescribed fire, scientific research, “rangeland health” implementation, and planning) to share the costs and labor associated with collection and use of data.

**Management Goal II:** *Clear and consistent methodologies, procedures, and techniques for monitoring motorized OHV use and impacts to meet existing resource health standards and guidelines. Develop monitoring plans and procedures sufficient to detect and evaluate motorized OHV-related impacts so that management changes can occur, if needed.*

**Action 1:** The Strategy Action Team will provide national guidelines to be used in developing local OHV monitoring plans.

**Action 2:** Field offices will prepare a monitoring plan which will include the type of data and amount of funding they need in order to monitor OHV use and its impact on public land resources.

**Action 3:** Copies of the completed monitoring plans will be forwarded to the OHV Strategy Action Team consistency review.

**Action 4:** The Field Guide will contain examples of successful OHV monitoring plans.

and observation, signing, route marking, and other Strategy outcomes will assist motorized OHV law enforcement efforts. But, substantially more law enforcement rangers and support resources are needed to ensure compliance with motorized OHV regulations. Currently, each ranger patrols an average of 1.76 million acres of often very remote public land.

**Management Goal I:** *A strengthened ranger workforce.*

**Action 1:** Determine specific law enforcement needs, including new rangers and resources. Hire additional law enforcement rangers and locate positions, on a priority basis, to field offices with the greatest needs.

**Action 2:** Strengthen existing or develop new law enforcement agreements with state and local law enforcement agencies wherever feasible.

**Management Goal II:** *Opportunities for greater public involvement in OHV enforcement issues.*

**Action:** Explore establishing, wherever feasible, a system of 1-800 numbers to give citizens a convenient and timely method for reporting motorized OHV use concerns.

## 8. Penalties and Fines

The public felt the BLM needs to seek more effective penalties and fines for motorized OHV-related violations. The Federal Land Policy and Management Act authorizes maximum fines and imprisonment for violations of its provisions. Under FLPMA, a violation of the BLM's

motorized OHV regulations can subject the offender to a \$1,000 fine and/or 12 months of imprisonment. Another federal law (18 U.S.C. 3571) authorizes courts to raise the fine level to \$100,000. In practice, the courts typically assess fines of less than \$200 for motorized OHV-related offenses, which many members of the public regard as an insufficient deterrent to such violations. The BLM does not have authority to change FLPMA's maximum penalties and can only

**Management Goal II:** *Increased public awareness about the BLM's efforts to enforce compliance with motorized OHV regulations.*

**Action 1:** Prepare an annual law enforcement report that contains summary data and illustrative examples of BLM enforcement actions related to motorized OHV management.

**Action 2:** Issue information periodically that describes noteworthy motorized OHV-related

make recommendations to the U.S. District Courts on minimum fines (collateral/bail schedules.)

**Management Goal I:** *Regulations, penalties, and patrolling techniques to make the law enforcement program more effective.*

**Action 1:** Improve patrolling techniques by providing additional equipment and training to field office personnel and/or cooperating state and local law enforcement agencies. Patrolling techniques should reflect the types of activities taking place on the public lands, such as the use of all-terrain vehicles (ATVs), motorcycles, dune buggies, personal watercraft, and snowmobiles.

**Action 2:** Adopt patrol techniques, including community policing, that will enhance visitor contact and user compliance.

**Action 3:** Compare collateral/bail schedules among the various U.S. district courts to determine the range of fines for motorized OHV-related violations. Based on the findings, the BLM will request the U.S. District Courts to increase the collateral/bail schedule amounts where appropriate.

**Action 4:** Review, clarify, and revise the existing motorized OHV regulations. (See analysis and recommend actions under "Regulatory and Program Management (43 CFR 8340).")

**Action 5:** The BLM will work with adjacent land managers, landowners, and local law enforcement agencies to develop more consistent and coordinated enforcement techniques on all lands.

enforcement actions by the BLM. Take advantage of motorized OHV group newsletters to disseminate this information.

**Action 3:** As part of the BLM's comprehensive motorized OHV education program, prepare information that describes the legal consequences for violating motorized OHV regulations.

## 9. Program Management and

## Regulatory Guidance (43 CFR 8340)

The BLM's off-road regulations (43 CFR 8340) need updating in order to meet today's motorized OHV management challenges. The existing regulations define vehicles as "Off-Road Vehicles (ORVs)" and the regulatory definition does not include nonmotorized vehicles used off road or off highway. Without necessary revisions to the existing 8340 regulations, the BLM will be hampered in its ability to effectively and consistently manage a broad range of motorized OHV uses. There is a public misunderstanding about the BLM's policy for ORV designations. Concerns have been expressed about the need to take into account valid existing rights (such as R.S. 2477 rights-of-way, American Indian rights, and inholdings) and to consider the access needs of persons with disabilities and senior citizens, and for game retrieval.

**Management Goal I:** *Regulations which address comprehensive vehicle management as a function of our public land management responsibilities.*

**Action:** Review and revise the current regulations (43 CFR 8340) with the intent of developing comprehensive vehicle management regulations.

**Management Goal II:** *Clearly understood terminology for limited-use designations for motorized OHV management.*

**Action 1:** Develop new terminology that presents a clear, direct message on signs, maps and brochures.

**Action 2:** Conduct field testing of alternative

**Action 2:** Incorporate recommended changes into the proposed revision of 43 CFR 8340 (needed for updating definitions and for other purposes), as described in Action 1, above.

## 11. Program Management and Regulatory Guidance (Personal Watercraft and

limited-use messages to compare their effectiveness with existing phrases.

**Management Goal III:** *Consistent methods for evaluating requests for special access considerations or other administrative access such as access for persons with disabilities, necessary tasks such as big game retrieval, and access for permittees.*

**Action:** Develop national guidance for evaluating requests at the field office level for special access consideration or necessary tasks or when preparing land use plans. This guidance will examine the implications of granting special considerations, particularly the precedent-setting effect on other users, programs, and agencies.

## 10. Program Management and Regulatory Guidance (BLM Regulations and ANILCA)

Alaska has identified an apparent conflict in Alaska between the Alaska National Interest Lands Conservation Act (ANILCA) regulations in 43 CFR 36, dealing with implementation of Title XI of the of 1980, and 43 CFR 8340, concerning Off-Road Vehicles. The issue involves "subsistence and the use of snowmachines."

**Management Goal:** *Achieve regulatory consistency and identify and resolve the conflicts between ANILCA and 43 CFR 8340, as identified by the State of Alaska.*

**Action 1:** Propose any revisions needed to make ANILCA and 43 CFR 8340 consistent, as far as they apply to Alaska land use.

## Snowmobiles)

A General Accounting Office report (GAO/ CED-00-243) found that a significant number of federal land managers are uncertain of their authority for managing personal watercraft and snowmobiles on public lands and waters. In many areas it appears that this uncertainty has resulted in inadequate management, raising the possibility of adverse resource impacts from these recreational

activities.

**Management Goal:** *Manage vehicle uses consistently throughout the BLM and ensure that all field managers know the specific legal authority for managing vehicle use on public lands, particularly use involving personal watercraft and snowmobiles.*

**Action 1:** Provide field managers with a summary of all existing legal authorities under which vehicle use can be managed. Include, for each authority, the specific type(s) of vehicle(s) covered.

**Action 2:** Clarify the relationship between personal watercraft and the exemption from off-road regulations for “registered motor boats” included in E.O. 11644.

## 12. Recreation Facilities

The BLM recognizes that designated OHV recreation sites (park areas) play a vital role in satisfying a portion of the recreation experience for OHV enthusiasts. The BLM currently manages, solely or in partnership with other agencies, recreation sites designed for a diversity of OHV recreation interests. These range from moto-cross tracks, trials areas, novice riding areas, dune riding areas to hill climbs. Many of these areas also have other recreation facilities (such as picnic areas, restrooms, interpretative kiosks) developed as part of the site.

**Management Goal:** *Provide OHV parks/recreation sites where concentrated OHV recreation activity can occur.*

**Action 1:** Where demand exists and land resources can accommodate OHV use, field

motorized vehicle use. The public has stressed the need for restoration as the best technique to assure permanent closure of a route. The public also expressed the concern that BLM is constructing many “new motorized OHV roads and trails.” Except for specific resource management purposes, the BLM generally does not construct new road and trails for off-highway vehicle use. The BLM often works with the public to designate or link specific routes to provide recreation opportunities.

offices should provide OHV recreation sites to be used for destination-type facilities. Funding support and partnerships should be sought with state agencies, other federal agencies, private landowners, and user groups for development and maintenance of sites.

**Action 2:** The BLM should explore partnerships, Recreation and Public Purposes Act agreements (with public sponsors) or concessions as possible mechanisms for OHV park development and management.

**Action 3:** These sites will be managed to reduce the possibilities for inappropriate activities on adjacent public lands

## 13. Road and Trail Design, Maintenance, and Restoration

[Note: Road and trail construction and maintenance in Alaska under Sec. 17(b) of the Alaska Native Claims Settlement Act (ANSCA) is not addressed in this Strategy.]

The public has drawn attention to inadequate maintenance level of many existing roads and trails. Road and trail design, maintenance, and restoration techniques need to be improved to enhance resource conditions and visitor experiences on public lands. Additionally, lack of maintenance and poor road conditions create resource impacts, and encourage trail proliferation.

The BLM also needs to improve the technology for reclamation of closed motorized OHV routes and for restoration of areas impacted by

**Management Goal I:** *Guidelines for managing and maintaining roads and trails to protect resource values, promote public safety, and improve public compliance on designated routes.*

**Action 1:** The BLM will identify an interdisciplinary team to develop the guidelines. The team will include motorized OHV, recreation, and other resource specialists and engineers.

**Action 2:** The “Field Guide” will include route design, construction, monitoring,

maintenance, and restoration techniques, references, and information..

**Management Goal II:** *A higher priority for motorized OHV trail maintenance.*

**Action 1:** Improve documentation of deferred maintenance needs as determined by resource concerns and use levels.

**Action 2:** Participate in the ongoing effort to design a system of maintenance categories for roads and trails as part of the BLM transportation planning re-engineering effort.

**Action 3:** During the road and trail designation process, determine maintenance categories for existing roads and trails. Propose changes to maintenance categories if the desired designation and use of a particular road or trail will affect its maintenance level.

**Action 4:** To the extent possible with other priorities, the BLM will record existing roads and trails in Facility Inventory and Maintenance Management System

(FIMMS) and will collect visitor use data in Recreation Management Information System (RMIS) and link the two systems.

## 14. Signs, Maps, and Other Public Information

Off-highway vehicle users are often confused about the appropriate use of their vehicles on public lands because of inadequate signs (both informational and regulatory), maps, brochures, and interpretive products. This confusion leads to

**Action 6:** Consider development of a national trail difficulty rating system for selected routes.

**Action 7:** Create websites that feature motorized OHV bulletin board-type information and provide links to other motorized OHV-related sites. This website will include downloadable motorized OHV mapping capabilities for at-home trip planning.

**Action 8:** Provide motorized OHV user maps in a digital format available on CD ROM or the Internet as the information becomes available.

conflicts among users, degradation of resources, and increased risks to public health and safety. However, excellent outreach products and efforts exists throughout the BLM. These include innovative techniques of mapping, Internet-posted information, outstanding public contact, cooperative efforts with other agencies, and the effective use of volunteers.

**Management Goal I:** *Higher quality and effective distribution of motorized OHV visitor services information.*

**Action 1:** **The BLM state or regional motorized OHV leads will evaluate the existing maps with the assistance of the National Science and Technology Center. Determine mapping deficiencies and inconsistencies.**

**Action 2:** The BLM will develop maps that meet the needs of the public land motorized OHV user to enhance the opportunity for safe and enjoyable visits, and to protect resource values.

**Action 3:** Develop standardized formats and symbols for maps and other OHV publications for public and field office use.

**Action 4:** Encourage field offices to enlist user groups and volunteers to help carry out Geographic Information System and Global Positioning System mapping, road and trail inventories, and other mapping-related work.

**Action 5:** Fund updated and revised motorized OHV maps as a priority item in the motorized OHV strategy implementation.

**Management Goal II:** *Easily-understood visitor use informational, interpretive, and regulatory signs that are sufficient to meet motorized OHV user needs, enhance the opportunity for safe and enjoyable visits, and protect resource values.*

**Action 1:** Review existing guidance and participate in the improvement of or development of a BLM sign manual and handbook.

**Action 2:** State and field offices will work with other federal and state agencies to improve consistency in sign format and wording.

**Action 3:** The Field Guide will provide

examples of interpretive media, such as kiosks, bulletin boards, and signs.

## 15. Volunteers

The public is very supportive of the use of volunteers in the motorized OHV program. Volunteering helps to instill a sense of ownership and pride within the motorized OHV community and promotes responsible motorized OHV use. The BLM recognizes that volunteers are an excellent resource to help in the education of the public, in trail design and maintenance, and in monitoring and patrolling for resource protection. However, to have a successful volunteer program requires a serious and continuous commitment by BLM employees and management.

**Management Goal I:** *An expanded BLM field presence through a more effective use of volunteers, organized groups, and the general public.*

**Action 1:** Enhance opportunities for citizen involvement in motorized OHV management issues by working directly with the public, user groups, and partnership organizations such as the National Off-Highway Vehicle Conservation Council. Encourage volunteer participation from within the environmental community

**Action 2:** Raise the profile of the BLM's field personnel and volunteers through the required use of the BLM uniform and by

**Management Goal I:** Wilderness values in WSAs protected under the IMP, until such time as Congress designates them wilderness or releases them from further study.

**Action 1:** **As authorized under the IMP and using the procedures prescribed under E.O. 11644, BLM State Directors will publish a *Federal Register* notice within 90 days of public release of this Strategy, announcing the immediate closure of all WSA's to cross-country vehicle travel except for travel on (1) trails and ways identified, mapped, or known to exist during the BLM's wilderness inventory process and (2) sand dunes or snow areas designated as open to use by the**

staffing on weekends and holidays and at special events.

**Action 3:** Enlist volunteers to assist in visitor contact and monitoring of motorized OHV use on the public lands.

**Action 4:** Enhance opportunities for citizen involvement in trail design, construction, and maintenance.

**Action 5:** Expand BLM's outreach for volunteers to a broader public including the environmental community, youth groups, and nonaffiliated users.

**Action 6:** Include examples of successful volunteer programs and training, and existing volunteer job descriptions in the Field Guide.

## 16. Wilderness Study Areas (General and IMP)

Public concern for the protection of wilderness values in WSAs was one of the major considerations for undertaking this Strategy. Without the completion of formal motorized OHV designations through the land-use planning process, the BLM cannot effectively carry out or enforce the motorized OHV policies contained in the *Interim Management Policy for Lands Under Wilderness Review* [IMP]. The IMP includes guidance for the management of motorized OHVs in WSAs. The IMP needs to be clarified for the public and reinforced for field office staffs.

**appropriate sand or snow vehicles, along with the exemptions identified in E.O. 11644 as amended by E.O.11989. For states where closures are already in place, no action would be required.**

**Action 2:** Within 60 days of the publication of the *Federal Register* Notice, each State Director will develop a map for the public, showing which cross-country closure designations represent a change in status.

**Action 3:** Within 180 days of publishing the *Federal Register* notice, each state director will post the changed status designations at key boundary locations and entry points. Subsequently, field offices will update the signing of boundaries, access points, and



existing trails and ways, and publicize closures as appropriate and when reasonably practical.

**Action 4:** Field offices managing WSA's will review current management to assure compliance with the IMP. This review will, to the extent possible, include a review of motorized activity within the area, and assure that all motorized travel is limited to the exclusions listed in the IMP.

**Management Goal II:** *Clarify the BLM's WSA Interim Management Policy as it applies to OHV management.*

**Action 1:** The motorized OHV Strategy Action Team will develop criteria for managing "ways" and trails within WSAs. This guidance should specify techniques, methodology, and documentation necessary to assure consistency when evaluating compliance with the nonimpairment criteria.

**Action 2:** Within 90 days of public release of this Strategy, the Washington Office will issue an internal directive that reaffirms the need for BLM staff to be familiar with the IMP's "Motor Vehicles, Aircraft and Mechanical Transport" management provisions.

**Action 3:** Develop public outreach materials about the BLM's Wilderness Study Areas and Interim Management Policy.

## 17. Wilderness Study Areas (Monitoring, Observation,

## and Management)

The BLM's monitoring and surveillance of WSAs should be improved to prevent impairment of wilderness values.

**Management Goal:** *More effective monitoring and management of motorized OHV activities in WSA's.*

**Action 1:** Increase field office staffing and funding for monitoring and managing motorized OHV use and impacts within WSAs in accordance with monitoring and surveillance plans.

**Action 2:** Improve compliance with OHV closures and restrictions within wilderness study areas and designated wilderness through enhanced enforcement (see Law Enforcement section).

**Action 3:** Enlist all field staff and partners to assist in monitoring WSAs.

**Action 4:** Develop a model format for documenting monitoring and surveillance for use by BLM field offices, which will adapt to meet local needs. Include this format as a component of the BLM's training course for WSA management.

**Action 5:** The field offices will use the model format as a guide to review their WSA monitoring and surveillance plans. The purpose of this review is to ensure that local plans include effective criteria to identify and report motorized OHV impacts on wilderness characteristics.

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## GLOSSARY

**air quality.** Refers to standards for various classes of land as designated by the Clean Air Act, P.L. 88-206: Jan. 1978.

**all-terrain vehicle (ATV).** A wheeled or tracked vehicle, other than a snowmobile or work vehicle, designed primarily for recreational use or for the transportation of property or equipment exclusively on undeveloped road rights of way, marshland, open country or other unprepared surfaces.

**best management practices (BMP).** A suite of techniques that guide, or may be applied to, management actions to aid in achieving desired outcomes. Best management practices are often developed in conjunction with land use plans, but they are not considered a land use plan decision unless the land use plan specifies that they are mandatory. They may be up-dated or modified without a plan amendment if they are not mandatory.

**closed road.** A road or segment which is restricted from certain types of use during certain seasons of the year. The prohibited use and the time period of closure must be specified.

**closed.** Designated areas and trails where the use of off-road vehicles is permanently or temporarily prohibited. The use of off-road vehicles in closed areas may be allowed for certain reasons; however, such use shall be made only with the approval of the authorized officer.

**Code of Federal Regulations (CFR).** The official, legal tabulation or regulations directing federal government activities.

**cultural resources.** The physical remains of human activity (such as artifacts, ruins, burial mounds, petroglyphs) having scientific, prehistoric, or social values.

**designated roads and trails.** Specific roads and trails identified by the agencies where some type of motorized vehicle use is appropriate and allowed either seasonally or year-long.

**environmental impact statement (EIS).** A

detailed statement prepared by the responsible official in which a major Federal action which significantly affects the quality of the human environment is described, alternatives to the proposed action provided, and effects analyzed.

**Federal Land Policy and Management Act of 1976 (FLPMA):** Public Law 94-579, October 21, 1976, often referred to as the BLM's "Organic Act," which provides the majority of the BLM's legislated authority, direction policy and basic management guidance.

**Federal Register.** A daily publication which reports Presidential and Federal Agency documents.

**geographic information system (GIS):** a computer system capable of storing, analyzing, and displaying data and describing places on the earth's surface.

**goal:** A broad statement of a desired outcome. Goals are usually not quantifiable and may not have established time frames for achievement.

**guidelines:** actions or management practices that may be used to achieve desired outcomes.

**impacts (or effects).** Environmental consequences (the scientific and analytical basis for comparison of alternatives) as a result of a proposed action. Effects may be either direct, which are caused by the action and occur at the same time and place, or indirect, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable, or cumulative.

**implementation plan.** A site-specific plan written to implement decisions made in a land use plan. An implementation plan usually selects and applies BMPs to meet land use plan objectives. Implementation plans are synonymous with "activity" plans. Example of implementation plans include interdisciplinary management plans, habitat management plans, and allotment management plans.

**interdisciplinary team.** A group of resource professional with different expertise that

collaborate to develop and evaluate resource management decisions.

**land use plan.** A set of decisions that establish management direction for land within an administrative areas, as prescribed under the planning provisions of FLPMA, an assimilation of land-use-plan-level decisions developed through the planning process outlined in 43 CFR 1600, regardless of the scale at which the decisions were developed.

**limited.** Designated areas and trails where the use of off-road vehicles is subject to restrictions, such as limiting the number or types of vehicles allowed, dates and times of use (seasonal restrictions), limiting use to existing roads and trails, or limiting use to designated roads and trails. Under the designated roads and trails designation, use would be allowed only on roads and trails that are signed for use. Combinations of restrictions are possible, such as limiting use to certain types of vehicles during certain times of the year.

**limited.** An area restricted at certain times, in certain areas, and/or to certain vehicular use. These restrictions may be of any type, but can generally be accommodated within the following type of categories: Numbers of vehicles; types of vehicles; time or season of vehicle use; permitted or licensed use only; use on existing roads and trails; use on designated roads and trails; and other restrictions.

**mitigation.** Actions to avoid, minimize, reduce, eliminate, replace, or rectify the impact of a management practice.

**National Environmental Policy Act (NEPA).**

An Act which encourages productive and enjoyable harmony between man and his environment; promotes efforts to prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; enriches the understanding of the ecological systems and natural resources important to the Nation; and establishes a Council on Environmental Quality.

**noxious weeds.** A plant species designated by

Federal or State law as generally possessing one or more of the following characteristics: aggressive and difficult to manage; parasitic; a carrier or host of serious insects or disease; or nonnative, new, or not common to the United States. According to the Federal Noxious Weed Act (PL 93-639), a noxious weed is one that causes disease or has other adverse effects on people or their environment and therefore is detrimental to the agriculture and commerce of the United States and to the public health.

**off-highway vehicle (off-road vehicle):** any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding: (1) Any nonamphibious registered motorboat; (2) Any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) Any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; (4) Vehicles in official use; and (5) Any combat or combat support vehicle when used in times of national defense emergencies.

**off-road vehicle designations.** Open: Designated areas and trails where off-road vehicles may be operated, subject to operating regulations and vehicle standards set forth in BLM Manuals 8341 and 8343; or an area where all types of vehicle use is permitted at all times, subject to the standards in BLM Manuals 8341 and 8343.

**official use.** Use by an employee, agent, or designated representative of the Federal Government or one of its contractors, in the course of his employment, agency, or representation.

**open.** Designated areas and trails where off-road vehicles may be operated, subject to operating regulations and vehicle standards set forth in BLM Manuals 8341 and 8343; or an area where all types of vehicle use is permitted at all times, subject to the standards in BLM Manuals 8341 and 8343.

**plan amendment:** The process for considering or making changes in the terms, conditions, and decision of approved resource management plans or management framework plans using the prescribed provisions for resource management planning appropriate to the proposed action or circumstances. Usually only one or two issues are considered that involve only a portion off the planning areas.

**public lands or BLM-administered lands.** Any land and interest in land (outside of Alaska) owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management.

**resource management plan.** A BLM planning document, prepared in accordance with Section 202 of the Federal Land Policy and Management

Act, that presents systematic guidelines for making resource management decisions for a planning area. An RMP is based on an analysis

**Resource Advisory Council (RAC):** a council established by the Secretary of the Interior to provide advice or recommendations to BLM management. In some states, provincial advisory councils (PACs) are functional equivalents of RACs.

**roadless areas:** A USDA, Forest Service designation. The USDI, BLM does not have roadless areas.

**stakeholders:** In this document, a person, group, or organization having a particular interest in motorized OHV use on public lands.

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**APPENDIX 1**

**EXCERPTS FROM**

**EXECUTIVE ORDER 11644**

**(as amended by Executive Order 11989)**

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# Appendix 1

## EXECUTIVE ORDER NO. 11644

< Feb. 8, 1972, 37 F.R. 2877, as amended by Ex. Ord. No. 11989, May 24, 1977, 42 F.R. 26959; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617 >

### USE OF OFF-ROAD VEHICLES ON PUBLIC LANDS

An estimated 5 million off-road recreational vehicles--motorcycles, minibikes, trail bikes, snowmobiles, dune buggies, all-terrain vehicles, and others--are in use in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands--often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity--has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.

Now, Therefore, by virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) [this chapter], it is hereby ordered as follows:

Section 1. Purpose. It is the purpose of this order to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

Sec. 2. Definitions. As used in this order, the term:

(1) "public lands" means (A) all lands under the custody and control of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands, (B) lands under the custody and control of the Tennessee Valley Authority that

are situated in western Kentucky and Tennessee and are designated as "Land Between the Lakes," and (C) lands under the custody and control of the Secretary of Defense;

(2) "respective agency head" means the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority, with respect to public lands under the custody and control of each;

(3) "off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract; and

(4) "official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

Sec. 3. Zones of use. (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed. Those regulations shall direct that



the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following—

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park system, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use.

Sec. 4. Operating conditions. Each respective agency head shall develop and publish, within one year of the date of this order, regulations prescribing operating conditions for off-road vehicles on the public lands. These regulations shall be directed at protecting

resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

Sec. 5. Public information. The respective agency head shall ensure that areas and trails where off-road vehicle use is permitted are well marked and shall provide for the publication and distribution of information, including maps, describing such areas and trails and explaining the conditions on vehicle use. He shall seek cooperation of relevant State agencies in the dissemination of this information.

Sec. 6. Enforcement. The respective agency head shall, where authorized by law, prescribe appropriate penalties for violation of regulations adopted pursuant to this order, and shall establish procedures for the enforcement of those regulations. To the extent permitted by law, he may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

Sec. 7. Consultation. Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Secretary of Energy and the Nuclear Regulatory Commission.

Sec. 8. Monitoring of effects and review. (a) The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.

(b) The Council on Environmental Quality shall maintain a continuing review of the implementation of this order.

Sec. 9. Special protection of the public lands. (a) Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing

considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

(b) Each respective agency head is authorized to adopt the policy that portions of the

public lands within his jurisdiction shall be closed to use by off-road vehicles except those areas or trails which are suitable and specifically designated as open to such use pursuant to Section 3 of this Order.

RICHARD NIXON

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**APPENDIX 2**

**EXCERPTS FROM**

**THE**

**CODE OF FEDERAL REGULATIONS**

**TITLE 43**

**PART 8340**

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# Appendix 2

## CODE OF FEDERAL REGULATIONS TITLE 43--PUBLIC LANDS: INTERIOR

### PART 8340--OFF-ROAD VEHICLES

#### Subpart 8340 – General

- Sec.  
8340.0-1 Purpose.  
8340.0-2 Objectives.  
8340.0-3 Authority.  
8340.0-5 Definitions.  
8340.0-7 Penalties.  
8340.0-8 Applicability.

operation of off-road vehicles in such areas.

#### § 8340.0-2 Objectives.

The objectives of these regulations are to protect the resources of the public lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

#### Subpart 8341 – Conditions of Use

- 8341.1 Regulations governing use.  
8341.2 Special rules.

#### § 8340.0-3 Authority.

The provisions of this part are issued under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*); the Taylor Grazing Act (43 U.S.C. 315a); the Endangered Species Act (16 U.S.C. 1531 *et seq.*); the Wild and Scenic Rivers Act (16 U.S.C. 1281c); the Act of September 15, 1960, as amended (16 U.S.C. 670 *et seq.*); the Land and Water Conservation Fund Act (16 U.S.C. 460l-6a); the National Trails System Act (16 U.S.C. 1241 *et seq.*) and EO 11644 (Use of Off-Road Vehicles on the Public Lands), 37 FR 2877, 3 CFR 74, 332, as amended by EO 11989 42 FR 26959 (May 25, 1977).

#### Subpart 8342 – Designation of Areas and Trails

- 8342.1 Designation criteria.  
8342.2 Designation procedures.  
8342.3 Designation changes.

#### Subpart 8343 – Vehicle Operations

- 8343.1 Standards.

#### Subpart 8344 – Permits

- 8344.1 Permit requirements.

#### § 8340.0-5 Definitions.

AUTHORITY: 43 U.S.C. 1201, 43 U.S.C. 315a, 16 U.S.C. 1531 *et seq.*, 16 U.S.C. 1281c, 16 U.S.C. 670 *et seq.*, 16 U.S.C. 460l-6a, 16 U.S.C. 1241 *et seq.*, and 43 U.S.C. 1701 *et seq.*

SOURCE: 44 FR 34836, June 15, 1979, unless otherwise noted.

#### SUBPART 8340--GENERAL

#### § 8340.0-1 Purpose.

The purpose of this part is to establish criteria for designating public lands as open, limited or closed to the use of off-road vehicles and for establishing controls governing the use and

As used in this part:

(a) "*Off-Road Vehicle*" means any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding: (1) Any nonamphibious registered motorboat; (2) any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; (4) Vehicles in official use; and (5) any combat or combat support vehicle when used in times of national defense emergencies.

(b) "*Public Lands*" means any lands the surface of which is administered by the Bureau of Land Management.

(c) "*Bureau*" means the Bureau of Land

Management.

(d) "*Official Use*" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors, in the course of his employment, agency, or representation.

(e) "*Planning System*" means the approach provided in Bureau regulations, directives and manuals to formulate multiple use plans for the public lands. This approach provides for public participation within the system.

(f) "*Open area*" means an area where all types of vehicle use is permitted at all times, anywhere in the area subject to the operating regulations and vehicle standards set forth in Subparts 8341 and 8342 of this title.

(g) "*Limited area*" means an area restricted at certain times, in certain areas, and/or to certain vehicular use. These restrictions may be of any type, but can generally be accommodated within the following type of categories: Numbers of vehicles; types of vehicles; time or season of vehicle use; permitted or licensed use only; use on existing roads and trails; use on designated roads and trails; and other restrictions.

(h) "*Closed area*" means an area where off-road vehicle use is prohibited. Use of off-road vehicles in closed areas may be allowed for certain reasons; however, such use shall be made only with the approval of the authorized officer.

(i) "*Spark Arrester*" is any device which traps or destroys 80 percent or more of the exhaust particles to which it is subjected.

[53 FR 31003, Aug. 17, 1988]

#### § 8340.0-7 Penalties.

Any person who violates or fails to comply with the regulations of Subparts 8341 and 8343 is subject to arrest, conviction, and punishment pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than \$1,000 or imprisonment for not longer than 12 months, or both.

#### § 8340.0-8 Applicability.

(h) Any person who operates an off-road vehicle on public lands must comply with the regulations in this part, and in § 8341.2 as

The regulations in this part apply to all public lands, roads, and trails under administration of the Bureau.

### SUBPART 8341--CONDITIONS OF USE

#### § 8341.1 Regulations governing use.

(a) The operation of off-road vehicles is permitted on those areas and trails designated as open to off-road vehicle use.

(b) Any person operating an off-road vehicle on those areas and trails designated as limited shall conform to all terms and conditions of the applicable designation orders.

(c) The operation of off-road vehicles is prohibited on those areas and trails closed to off-road vehicle use.

(d) It is prohibited to operate an off-road vehicle in violation of State laws and regulations relating to use, standards, registration, operation, and inspection of off-road vehicles. To the extent that State laws and regulations do not exist or are less stringent than the regulations in this part, the regulations in this part are minimum standards and are controlling.

(e) No person may operate an off-road vehicle on public lands without a valid State operator's license or learner's permit where required by State or Federal law.

(f) No person shall operate an off-road vehicle on public lands:

(1) In a reckless, careless, or negligent manner;

(2) In excess of established speed limits;

(3) While under the influence of alcohol, narcotics, or dangerous drugs;

(4) In a manner causing, or likely to cause significant, undue damage to or disturbance of the soil, wildlife, wildlife habitat, improvements, cultural, or vegetative resources or other authorized uses of the public lands; and

(5) During night hours, from a half-hour after sunset to a half-hour before sunrise, without lighted headlights and taillights.

(g) Drivers of off-road vehicles shall yield the right-of-way to pedestrians, saddle horses, pack trains, and animal-drawn vehicles.

applicable, while operating such vehicle on public lands.

[44 FR 34836, June 15, 1979, as amended at 45 FR 47843, July 17, 1980]

#### § 8341.2 Special rules.

(a) Notwithstanding the consultation provisions in § 8342.2(a), where the authorized officer determines that off-road vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the authorized officer shall immediately close the areas affected to the type(s) of vehicle causing the adverse effect until the adverse effects are eliminated and measures implemented to prevent recurrence. Such closures will not prevent designation in accordance with procedures in Subpart 8342 of this part, but these lands shall not be opened to the type(s) of off-road vehicle to which it was closed unless the authorized officer determines that the adverse effects have been eliminated and measures implemented to prevent recurrence.

(b) Each State director is authorized to close portions of the public lands to use by off-road vehicles, except those areas or trails which are suitable and specifically designated as open to such use pursuant to Subpart 8342 of this part.

[53 FR 31003, Aug. 17, 1988]

### SUBPART 8342--DESIGNATION OF AREAS AND TRAILS

#### § 8342.1 Designation criteria.

The authorized officer shall designate all public lands as either open, limited, or closed to off-road vehicles. All designations shall be based on the protection of the resources of the public lands, the promotion of the safety of all the users of the public lands, and the minimization of conflicts among various uses of the public lands; and in accordance with the following criteria:

(a) Areas and trails shall be located to minimize damage to soil, watershed,

notice shall be available to the public in local Bureau offices.

vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability.

(b) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats.

(c) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(d) Areas and trails shall not be located in officially designated wilderness areas or primitive areas. Areas and trails shall be located in natural areas only if the authorized officer determines that off-road vehicle use in such locations will not adversely affect their natural, esthetic, scenic, or other values for which such areas are established.

#### § 8342.2 Designation procedures.

(a) *Public participation.* The designation and redesignation of trails is accomplished through the resource management planning process described in Part 1600 of this Title. Current and potential impacts of specific vehicle types on all resources and uses in the planning area shall be considered in the process of preparing resource management plans, plan revisions, or plan amendments. Prior to making designations or redesignations, the authorized officer shall consult with interested user groups, Federal, State, county and local agencies, local landowners, and other parties in a manner that provides an opportunity for the public to express itself and have its views given consideration.

(b) *Designation.* The approval of a resource management plan, plan revision, or plan amendment constitutes formal designation of off-road vehicle use areas. Public notice of designation or redesignation shall be provided through the publication of the notice required by § 1610.5-1(b) of this Title. Copies of such

(c) *Identification of designated areas and trails.* The authorized officer shall, after designation, take action by marking and other



appropriate measures to identify designated areas and trails so that the public will be aware of locations and limitations applicable thereto. The authorized officer shall make appropriate informational material, including maps, available for public review.

[53 FR 31003, Aug. 17, 1988]

#### § 8342.3 Designation changes.

*Monitoring use.* The authorized officer shall monitor effects of the use of off-road vehicles. On the basis of information so obtained, and whenever the authorized officer deems it necessary to carry out the objectives of this part, designations may be amended, revised, revoked, or other actions taken pursuant to the regulations in this part.

### SUBPART 8343--VEHICLE OPERATIONS

#### § 8343.1 Standards.

(a) No off-road vehicle may be operated on public lands unless equipped with brakes in good working condition.

(b) No off-road vehicle equipped with a muffler cutout, bypass, or similar device, or producing excessive noise exceeding Environmental Protection Agency standards, when established, may be operated on public lands.

(c) By posting appropriate signs or by marking a map which shall be available for public inspection at local Bureau offices, the authorized officer may indicate those public lands upon which no off-road vehicle may be operated unless equipped with a properly installed spark arrester. The spark arrester must meet either the U.S. Department of Agriculture--Forest Service Standard 5100-1a, or the 80-percent efficiency level standard when determined by the appropriate Society of Automotive Engineers (SAE) Recommended

Practices J335 or J350. These standards include, among others, the requirements that: (1) The spark arrester shall have an efficiency to retain or destroy at least 80 percent of carbon particles for all flow rates, and (2) the spark arrester has been warranted by its manufacturer as meeting this efficiency requirement for at least 1,000 hours subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation. A spark arrester is not required when an off-road vehicle is being operated in an area which has 3 or more inches of snow on the ground.

(d) Vehicles operating during night hours, from a half-hour after sunset to a half-hour before sunrise, shall comply with the following:

(1) Headlights shall be of sufficient power to illuminate an object at 300 feet at night under normal, clear atmospheric conditions. Two- or three-wheeled vehicles or single-tracked vehicles will have a minimum of one headlight. Vehicles having four or more wheels or more than a single track will have a minimum of two headlights, except double tracked snowmachines with a maximum capacity of two people may have only one headlight.

(2) Red taillights, capable of being seen at a distance of 500 feet from the rear at night under normal, clear atmospheric conditions, are required on vehicles in the same numbers as headlights.

### SUBPART 8344--PERMITS

#### § 8344.1 Permit requirements.

Permits are required for certain types of ORV use and shall be issued in accordance with the special recreation permit procedures under Subpart 8372 of this chapter.

## APPENDIX 3

# **PUBLIC PARTICIPATION**

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## Appendix 3

### PUBLIC PARTICIPATION

The BLM incorporated a substantial level of public involvement during the preparation of this strategy. Recognizing the intense interest on the part of the public concerning OHV management, as well as the high level of public concern over interrelated issues of public access and transportation management in general on the public lands, the BLM provided extensive opportunity for public involvement and comment in the development of the strategy. The agency integrated a number of outreach efforts including mailing of informational materials and questionnaires, conducting 49 “listening” workshops across the country and provided several opportunities for the public to comment during the preparation of the document. This collaborative public process was designed to solicit substantive input from an informed and involved public. The BLM also recognized the important role the interested public will play in implementing the strategy. The continued participation of the public, especially organized groups and organizations, will be integral for successful implementation of a comprehensive strategy—their partnership, cooperation and support will be critical to implementing effective on-the-ground OHV management solutions.

The public was invited to review, and provide comment and additional suggestions on the draft strategy. We were pleased with the response and level of interest from the public. More than 14,000 comments were received on the draft document. Pertinent suggestions were analyzed to determine whether changes were necessary in the draft strategy. The following is a brief summary of the key issues raised through public comments that resulted in changes made to the strategy.

Comments were generally supportive of a majority of the recommended action items, specifically those dealing with easements, acquisitions, fees, funding, law enforcement,

and road and trail design, maintenance and restoration. Nonetheless, there were comments which requested revisions. Many of the comments provided suggestions on how to improve or change the portions of the strategy, specifically in the areas of nonmotorized vehicles (particularly mountain biking), heightened agency priority for motorized OHV management, volunteers and user education, management of Wilderness Study Areas, and environmental considerations.

There also seemed to be some confusion on the purpose and scope of the strategy. The strategy is intended to be a comprehensive approach or vision on how best to develop and manage an adaptive and effective motorized OHV program. Many comments were received that encouraged the BLM to expand the strategy to address a multitude of other important but separate issues related to transportation system management, public access, wilderness management, and others. The strategy’s goals were edited to be more focused and specific to motorized vehicle management. Action items were also modified to be more explicit and measurable. Several sections were combined and others were separated under a new headings based on comments received to improve the document’s flow and clarity.

#### **NONMOTORIZED VEHICLES (MOUNTAIN BIKES)**

Many readers assumed that the strategy intended to treat nonmotorized activities such as mountain biking the same as motorized vehicles—this was not the intention. There were many comment recommendations which requested that mountain bikes be removed from the strategy entirely, while others thought it was appropriate that mountain biking be included in any guiding document dealing with

vehicle transportation and access issues. Comments also pointed out that the mountain bike community and other nonmotorized interests were not fully involved in the development of the strategy from the beginning. As a result, a principal change was made that recommends the BLM develop a separate strategy to address the specific requirements and activities of associated with nonmotorized vehicles. The BLM recognizes that nonmotorized activities have unique management considerations requiring and deserving of a distinct approach.

### **IMPROVED COORDINATION AND HEIGHTENED AGENCY PRIORITIZATION OF MOTORIZED OHV MANAGEMENT**

The public reinforced the need for continued public input, participation and improved communication, particularly at the local level. Involvement of the affected local communities will ensure success in managing recreation on public lands, providing better trail recreational experiences with an environmentally responsible emphasis. The public strongly supported the identification of an BLM OHV coordinator at the state or regional level and other actions to heighten awareness, coordinate efforts and elevate the importance of motorized vehicle management to better provide adequate public access and improve environmental protection.

### **VOLUNTEERS AND EDUCATION PROGRAMS**

Numerous comments were very supportive of using volunteers and implementing partnerships throughout the OHV program. Many individuals related positive experiences as participants in various BLM OHV activities such as building and maintaining trails, monitoring use or educating the public. The BLM acknowledges the continued active public involvement is a vital element for a successful OHV program. Therefore, a new section which consolidated a number of action items associated potential volunteer opportunities was incorporated.

Many readers considered education a very important component of the strategy. The separate education sections were combined to strengthen BLM's emphasis on the importance visitor education as a critical aspect of the strategy. This section was also expanded to reiterate the need to create a consistent and comprehensive training program which will address the various principles and concepts of Tread Lightly and Leave No Trace for both the public and BLM employees. By combining the sections, equal emphasis will be placed on internal employee training as well as improved communication and contact with the public.

### **WILDERNESS STUDY AREA MANAGEMENT**

Another principal viewpoint contained in the public comments was that the draft strategy did not provide adequate environmental protection for WSAs. Generally, comments requested that these areas be closed to OHV use, as well as restricting OHV use to clearly marked trails and roads. Comments also called for actions to monitor impacts and increase enforcement to protect special areas. It was clear from the comments that many readers did not fully understand how the existing federal laws and BLM policies are already in place to protect wilderness values. The draft strategy was modified to clearly outline the actions that BLM will use improve monitoring and develop better enforcement capabilities to prevent impairment of the wilderness values in WSAs.

### **ENVIRONMENTAL CONSIDERATIONS**

A number of comments highlighted the confusion associated with the goals and action items contained under Environmental Considerations section. This section was modified to address those concerns and clarify recommendations. Guidance for virtually all environmental considerations relevant to the strategy is provided by a host of existing laws, policies and regulations. The BLM uses a comprehensive land-use planning process to evaluate resource information, ensure compliance with applicable laws and

regulations, and provide opportunities for public participation in the development of management plans or activities. In particular, concern was raised on how the strategy would address proposals to list threatened and endangered species or critical habitat. The strategy was modified to emphasize the need for thorough analysis of motorized issues and impacts using the land-use planning process.

In addition, specific action items were incorporated to improve compliance with the Endangered Species Act. Recommended actions will help coordinate and integrate the application of existing laws, regulations, rules and policies for the administration of the public lands in decisions dealing with management of motorized vehicle use and access.

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**APPENDIX 4**

**EXCERPTS FROM**

**THE**

**WILDERNESS STUDY AREA**

**INTERIM MANAGEMENT POLICY**



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# Appendix 4

## Excerpts From the

### “Interim Management Policy for Lands Under Wilderness Review”

(BLM, H-8550-1, Rel. 8-17, 7/5/95) Regarding Off-Highway Vehicle Use

#### Chapter I B. Specific Policy Guidance

An overriding consideration before applying any of the policies below must be that the preservation of wilderness values within a WSA is paramount and should be the primary consideration when evaluating any proposed action or use that may conflict with or be adverse to those wilderness values. The concept of considering wilderness values first asserts, with few exceptions (e.g., valid existing rights, grandfathered rights, etc.), that wilderness resource management objectives within a WSA should take precedence over all other resource management program objectives. In other words, the wilderness resource will be dominant in all management decisions where a choice must be made between preservation of wilderness suitability and other competing uses.

#### Chapter I B.2. Nonimpairment.

The following criteria are referred to hereafter as the "nonimpairment criteria".

- a. **The use, facility, or activity must be temporary. This means a temporary use that does not create surface disturbance or involve permanent placement of facilities may be allowed if such use can easily and immediately be terminated upon wilderness designation.** "Temporary" means the use or facility may continue until the date of wilderness designation, at which time the use must cease and/or the facility must be removed. "Surface disturbance" is any new disruption of the soil or vegetation, including vegetative trampling, which would necessitate reclamation. The term "surface disturbance" is discussed further in Specific Policy Guidance, Section 3 below. Decisions to allow or deny

proposed actions based on the nonimpairment criteria will be included in appropriate decision documents.

- b. **When the use, activity, or facility is terminated, the wilderness values must not have been degraded so far as to significantly constrain the Congress's prerogative regarding the area's suitability for preservation as wilderness.** The wilderness values to be considered are those mentioned in Section 2(c) of the Wilderness Act of 1964.

The only permitted exceptions to the above rules are:

- (1) Emergencies such as suppression activities associated with wildfire or search and rescue operations;
- (2) Reclamation activities designed to minimize impacts to wilderness values created by IMP violations and emergencies;
- (3) Uses and facilities which are considered grandfathered or valid existing rights under the IMP;
- (4) Uses and facilities that clearly protect or enhance the land's wilderness values or that are the minimum necessary for public health and safety in the use and enjoyment of the wilderness values; and,
- (5) Reclamation of pre-FLPMA impacts.

#### Chapter I B. 3. Surface Disturbance.

Surface disturbance is any new disruption of the soil or vegetation requiring reclamation within a WSA. Uses and facilities necessitating reclamation (i.e., recontouring of the topography, replacement of topsoil, and/or restoration of native plant cover) are definitely surface disturbing and must be denied. Cross-country vehicle use off boundary

roads and existing ways is surface disturbing because the tracks created by the vehicle leave depressions or ruts, compact the soils, and trample or compress vegetation.

### **Chapter I B. 7. Existing Facilities.**

Some lands under wilderness review may contain minor facilities that were found in the wilderness inventory process to be substantially unnoticeable. For example, these may include primitive vehicle routes ("ways") and livestock developments. There is nothing in this IMP that requires such facilities to be removed or discontinued. On the contrary, they may be used and maintained as before, as long as this does not cause new impacts that would impair the area's wilderness suitability.

### **Chapter I B. 11. Motor Vehicles, Aircraft and Mechanical Transport.**

Motor vehicles and mechanical transport may be allowed off boundary roads and existing ways for these purposes only:

- (a) in emergencies and search and rescue operations (as described in Section 12, below);
- (b) for official purposes by the BLM and other Federal, State, and local agencies and their agents when necessary and specifically authorized by the BLM for protection of human life, safety, and property; for protection of the lands and their resources; and,
- (c) to build or maintain structures and installations authorized in this document, as long as such use of vehicles is determined to satisfy the nonimpairment criteria and is only along routes authorized and specified by the BLM. No grading, blading, or vegetative disturbance will be permitted as this would constitute surface disturbance and thus not meet the nonimpairment criteria.

In emergencies, cross-country travel will not be held to the nonimpairment standard; but in all other cases, cross-country travel is allowed only where it

is specifically authorized by BLM and it satisfies the nonimpairment criteria. If impacts threaten to impair the area's wilderness suitability, the BLM may limit or close the affected lands to the uses causing the problem.

Mechanical transport, including all motorized devices as well as trail and mountain bikes, may only be allowed on existing ways and within "open" areas that were designated prior to the passage of FLPMA (October 21, 1976). Use of such devices off existing ways and trails are allowed only for the purposes listed in the paragraph above.

### **Chapter III H. 11-12. Recreation.**

11. Except for emergency situations as defined in Chapter I.B.12, vehicle designations in WSAs are to be handled through the land-use planning process. Until WSAs are designated as wilderness or released from study status, vehicle use within each WSA is governed by the terms and conditions as identified in Chapter I.B.11 and any land-use planning decisions. Open areas may be designated only: (1) as sand dune or snow areas for use by the appropriate sand or snow vehicles, or (2) where an area was designated open prior to October 21, 1976. No vehicle designation in a WSA may allow vehicles to travel off existing ways and trails, except in these two circumstances.

12. Organized vehicle events will not be allowed unless they can meet the nonimpairment criteria, and are contained on existing ways and trails or within pre-FLPMA sand dune or snow open areas. (For clarification of definitions of applicable vehicles and designation of areas see guidance contained in 43 CFR 8340 and 1601.)